

**POLICY AND LAW COMMITTEE MEETING
MAY 8, 2008 – 1 PM
DELAWARE PUBLIC ARCHIVES BLDG. – DOVER, DE**

Present: Brian Hartman, DLP; Jamie Wolfe, Consumer; Pat Maichle, DDC; Ray Brouillette, Easter Seals; Tim Brooks, CDS; Wendy Strauss, GACEC; Donny Moore, Consumer; Marge Turner, UCP; Liz Schantz; Chris Long, DHSS/DDDS; Mary Moore for Susan Cycyk, DSCYF; Tony Horstman, Parent; Al Rose, DDC; Vince Boehm, DDC; Kyle Hodges, Staff

Absent: Bob Osgood, SCPD; Daniese McMullin-Powell, SCPD; Carolanne O'Brien, DVR; Brian Bard, Consumer; Kim Siegel, ASD; Connie Hughes, DELARF; Karen Lazar, Ombudsman's Office; Rita Landgraf, SCPD; Regina Byers, GCAAPD

CALL TO ORDER

Kyle Hodges called the meeting to order at 1:10 PM

ADDITIONS OR DELETIONS TO THE AGENDA

CMS proposed rule, HCR 49, IDEA Bill, and HB 391 were added to the agenda.

APPROVAL OF MINUTES

The minutes from the April 10, 2008 meeting were approved as submitted.

REVIEW OF REGULATIONS AND POLICIES

1. DSS Final Child Care Subsidy Regulations [11 DE Reg. 1488 (May 1, 2008)] – This was an information item and there was no need for further action.
2. DSS Final Fair Hearing Regulations [11 DE Reg. 1482 (May 1, 2008)] – Brian recommended that SCPD follow-up in a couple of months regarding who has jurisdiction over nursing home discharge hearings (i.e. who processes the discharge hearings when there are no regulations). Will there be regulations in this context? It was agreed to write a thank you letter.
3. DMMA Final Medicaid Vehicle Resource Regulations [11 DE Reg. 1479 (May 1, 2008)] - It was agreed to write a thank you letter.
4. DMMA Final School Based Wellness Center Funding Regs. [11 DE Reg. 1477 (May 1, 2008)] – Motion was made, seconded and approved for SCPD to write a letter consistent with Brian's memo.

5. DOE Final Tobacco Policy Regulations [11 DE Reg. 1463 (May 1, 2008)] –No further action was required.

6. DMV Proposed Use of Translators Regulations [11 DE Reg. 1460 (May 1, 2008)] – Kyle noted that this will also be reviewed at the CODHHE meeting on May 21. Motion was made, seconded and approved for SCPD to write a letter sharing observations consistent with Brian’s memo and any “minor” changes CODHHE may have.

7. DMMA Proposed Third Party Data Exchange Regulations [11 DE Reg. 1417 (May 1, 2008)] - Motion was made, seconded and approved for SCPD to write a letter consistent with Brian’s memo indicating that Council did not observe any concerns. .

8. DMMA Prop. School-Based Transportation Regulations [11 DE Reg. 1420 (May 1, 2008)] - Motion was made, seconded and approved for SCPD share observations consistent with Brian’s memo.

9. DOE Proposed Unsafe School Choice Option Regulations [11 DE Reg. 1404 (May 1, 2008)] - Motion was made, seconded and approved for SCPD endorse the regulations consistent with Brian’s memo. Tim Brook abstained. Pat suggested sending a copy to the Victims’ Rights Task Force. GACEC will invite a DOE representative to one of its meetings and ask them to bring sample policies from districts.

10. DOE Prop. Student Teacher Crim. Background Check Regs. [11 DE Reg. 1407 (May 1, 2008)] - Motion was made, seconded and approved for SCPD to share observations consistent with Brian’s memo. Tim Brook abstained.

11. H.B. No. 379 and H.B. No. 387 [Hearing Aid Loan Bank] - Motion was made, seconded and approved for SCPD to share observations consistent with Brian’s memo.

12. H.J.R. No. 19 [Study of Maximum 15 Student Class Size] - Motion was made, seconded and approved for SCPD to endorse the legislation consistent with Brian’s memo.

13. H.B. No. 359 [Medicaid Coverage for Adult Dental Care] – Pat recommended sending a copy of any letter to the Delaware Oral Health Coalition. It was also recommended to send a copy to Tom Kelly, DDDS; the American Dental Association and possibly the State Board. Motion was made, seconded and approved for SCPD to strongly endorse the legislation subject to the amendments.

14. H.B. No. 386 [Physician-Pharmacist Collaboration] - Motion was made, seconded and approved for SCPD to oppose the bill.

15. H.B. No. 381 [Agent Access to Health Care Information] - Motion was made, seconded and approved for SCPD endorse the bill subject to one amendment.

16. S. 1050 [Promoting Wellness for Individuals with Disabilities Act of 2007] - Motion was made, seconded and approved for SCPD to recommend endorsement by Delaware's Congressional delegation.

17. Concept Legislation: Universal Design Bill Patterned on Mo. H.B. No. 2459 - Motion was made, seconded and approved for SCPD to endorse the concept of universal design legislation.

OTHER BUSINESS

CMS Proposed Rule - Kyle provided information on a Medicaid proposed rule that was initially addressed in April. Under this option, states will now be able to set their own eligibility or needs-based criteria for providing HCBS. The proposed rule emphasizes "person centered" care, giving individuals an active role in developing their care plans, and the "self-direction" option in which states can allow individuals to take charge of their own services. DMMA has indicated it may be commenting, but has not at this point. Kyle asked if SCPD should comment on this. SCPD has commented on CMS rules in the past (e.g. case management). Motion was made, seconded and approved for SCPD to endorse the CMS proposed Rule.

HCR 49 – HCR 49 was provided to the Committee which establishes a task force to review coordination of health care, social and legal services for Delawareans with disabilities. It has passed the House and Senate. SCPD has been designated as member of the Task Force. A report is required by January 15, 2009.

IDEA Fairness Restoration Act (HR 4188) – The intent is to reverse the effects of some very restrictive Supreme Court decisions which have weakened the IDEA mainly in the due process context. Motion was made, seconded and approved for SCPD to write a letter endorsing the bill.

HB 391 – This bill would require public schools to identify eligible classifications of disability in their standard IEP forms and document such disclosure to parents of eligible children. Motion was made, seconded and approved for SCPD to strongly endorse the proposed legislation.

ADJOURNMENT

The meeting was adjourned at 3:05 PM.

Respectively submitted,

Kyle Hodges
SCPD Administrator
p&l/min may 08.doc

